

1 A I don't have a current contract for access to it --

2 Q Well, you --

3 A -- so I don't know what's in the contract.

4 Q All right. You testified that you are an employee
5 of Waymaker Company. Is that correct?

6 A Yes.

7 Q And as an employee of Waymaker Company, do your
8 duties include providing management services to Raystay
9 Company?

10 A Yes.

11 Q And to your understanding, do other employees of
12 Waymaker Company also provide management services to Raystay
13 Company?

14 A Yes.

15 Q Have you, in the past at any period of time, been an
16 officer of Raystay Company?

17 A Yes.

18 Q What period of time were you an officer?

19 A I don't remember the beginning date, but it was for
20 quite some time. The ending date was in 198-- I believe it
21 was 1988. It was either '88 or '89.

22 Q Subject to check, would you accept the proposition
23 that the record, I think, indicates that you were an officer
24 from 1973 until April 1989? Does that sound about right to
25 you? I don't want to put words in your mouth.

1 A April -- I know it was April and it was either '88
2 or '89.

3 Q All right. And does 1973 sound about right as to
4 when you became an officer?

5 A It's possible, yes.

6 JUDGE CHACHKIN: Can we get a stipulation about the
7 dates on which he was an officer of Raystay?

8 MR. EMMONS: Can we talk for a second?

9 MR. COHEN: Could I talk with Mr. Emmons for one
10 second?

11 JUDGE CHACHKIN: All right. We'll go off the
12 record.

13 (Off the record. Back on the record.)

14 MR. COHEN: We'll stipulate to that.

15 JUDGE CHACHKIN: All right. Go ahead, Mr. Emmons.

16 BY MR. EMMONS:

17 Q And Mr. Gardner, the office that you held, according
18 to the information that we've developed through stipulation
19 and earlier phases of this case with counsel for Raystay is
20 that you held the position of vice-president of Raystay from
21 1979 -- excuse me, from 1975 until 1989. Is that correct as
22 far as you know?

23 A It sounds correct.

24 MR. SCHAUBLE: If I could just point out, I believe
25 there were other -- during periods of the time, when there

1 were other officers -- offices that he held.

2 MR. EMMONS: That may be. I just wanted to
3 establish the position of vice-president.

4 BY MR. EMMONS:

5 Q But, Mr. Gardner, I take it though that you have not
6 been an officer of Raystay since April 1989. Is that correct?

7 A Yes.

8 Q Now, although not an officer of Raystay since April
9 1989, I take it you have, from 1989 to the present, still been
10 actively involved in Raystay's affairs. Is that correct?

11 A Yes.

12 Q In your capacity as an employee of Waymaker Company
13 providing management services?

14 A Yes.

15 Q Now, would you generally describe what the main
16 business of Raystay has been over the last five years? What
17 does Raystay do?

18 A Raystay owns and operates cable television systems
19 in Pennsylvania, Maryland, and West Virginia. It owns and
20 operates W40AF which is a low-power television station. You
21 said the main business?

22 Q Yes.

23 A Those are really the main businesses that I'm aware
24 of.

25 Q And where is Raystay's corporate headquarters?

1 A Carlisle, Pennsylvania.

2 Q Now, does Waymaker Company have offices at the same
3 location in Carlisle?

4 A They're at the same address, yes.

5 Q In the same building?

6 A There is a building complex with more than one wing
7 and Raystay's in one wing and Waymaker's in another.

8 Q But they use the same address for mailing purposes,
9 for example?

10 A Yes.

11 Q And is it true that Waymaker Company employs the
12 Raystay corporate management team, that they're all employees
13 of Waymaker company?

14 A I do not have any access to payroll, so I don't know
15 who's on what payroll.

16 Q In other words, as between Waymaker and Raystay, you
17 don't know -- except for yourself, you don't know who's on
18 what payroll?

19 A Correct.

20 Q Now, since April 1989, what has been your title at
21 Raystay? I'm going to use the term Raystay, if I may, rather
22 than Waymaker. But if you think that it is confusing or
23 misleading to use the term Raystay in any particular context
24 in which I ask a question, please say so.

25 A All my paychecks come from Waymaker Company, so

1 everything I do is for Waymaker Company.

2 Q But your services are for the benefit of Raystay
3 Company.

4 A Correct.

5 Q So with that understanding, I'd like to use the term
6 Raystay just so we don't trip over the words as we go along.
7 But if -- as I say, if you feel that it is misleading in any
8 -- in the context of any particular question, to be using the
9 word Raystay instead of Waymaker, please let me know,
10 otherwise I'll use Raystay. And so my question is, again,
11 what has been your title since 1989?

12 A Contract manager.

13 Q And what have your duties been as contract manager?

14 A I have worked with other members -- other employees
15 of Raystay or Waymaker to secure and write contracts for
16 different types of services, mostly program services that
17 cable television uses. I've been generally, along with Lee
18 Sandifer, in charge of securing insurance for all the
19 operations and I have worked with other employees who get
20 involved in it, also, to secure the licenses and operating
21 permits from the FCC and from other government bodies that are
22 necessary to operate cable television systems and the LPTV.

23 Q Now, with respect to your contract-related work, do
24 you, from time to time, negotiate contracts?

25 A I do.

1 Q Do you, from time to time, review contracts that
2 have been negotiated by others?

3 A I do.

4 Q And has this been the case over the last five-year
5 period?

6 A Yes.

7 Q Now, what kinds of contracts have you been involved
8 in negotiating before -- and let me specify something. You've
9 mentioned program service contracts already. Let me ask you
10 about real estate contracts. Have you been involved at any
11 time in negotiating real estate contracts? And I now -- by
12 any time, I mean, I'm going back to your experience, so I'm
13 not confining it just to the last five years, but your
14 experience since you have been -- well, let me ask you a
15 question. Let me ask you a question. How long have you been
16 employed by Waymaker?

17 A Could you say that again?

18 Q Yes. How long have you been employed by Waymaker?

19 A I've been employed by Waymaker on and off since 1973
20 on a full-time basis. I believe there was a couple of years
21 when my payroll was shifted from Waymaker to Raystay, but it's
22 now back with Waymaker.

23 Q Is it correct to say that at least since 1973, you
24 have been -- you have worked essentially full-time on Raystay
25 matters?

1 A No. That's not correct.

2 Q Well, have you been -- let me phrase it this way.

3 Have you been a full-time employee since 1973 of either

4 Waymaker Company or Raystay Company?

5 A Yes.

6 Q And since 1973, you say it's not correct to say that

7 you worked full-time on Raystay matters. Would you explain in

8 what sense that would not be a correct statement?

9 MR. SCHAUBLE: Objection. Relevance, Your Honor.

10 JUDGE CHACHKIN: Overruled.

11 MR. GARDNER: Waymaker Company is a management

12 company and as such, has had other clients than Raystay.

13 BY MR. EMMONS:

14 Q So some of your work is for other clients other than

15 Raystay.

16 A It was been in the past.

17 Q Now, let me go back to the question I started this

18 line with which is -- I want to understand your experience

19 with contract work. How long have you been negotiating

20 contracts?

21 A Probably since 1973.

22 Q Now, has your contract work experience included work

23 with real estate contracts?

24 A Yes.

25 Q Has it included work with contracts involving the

1 purchase or lease of equipment?
2 A Yes.
3 Q Has it included work with contracts for the purchase
4 of programming?
5 A Yes.
6 Q Has it included work with contracts for advertising?
7 A Yes.
8 Q Has it included lease of office space?
9 A Yes.
10 Q Has it included work with employment contracts?
11 A Yes.
12 Q Has it included work involving contracts for the
13 purchase or sale of cable television facilities?
14 A Yes.
15 Q Has it included work with contracts for the sale of
16 low-power television permits?
17 A Yes.
18 Q Has it included work with contracts for financing
19 agreements?
20 A Yes.
21 Q Has it included any other kind of contract work that
22 I haven't listed there?
23 A Probably.
24 Q What comes to mind?
25 A I guess the things that I'm thinking of might be

1 covered under purchase or lease of equipment, so perhaps I'm
2 just being specific to things that you covered generally.

3 Q Now, do you have the authority to bind Raystay to a
4 contract?

5 MR. SCHAUBLE: Your Honor, is there a specific -- is
6 this currently?

7 BY MR. EMMONS:

8 Q This is current and we'll go back.

9 A No.

10 Q At any time in the past, have you had authority to
11 bind Raystay to a contract?

12 A Yes.

13 Q Did there come a point in time when your authority
14 to bind Raystay to a contract terminated?

15 A Yes.

16 Q When was that?

17 A April of 1989.

18 Q And that was when you ceased to be an officer of
19 Raystay Company?

20 A Yes.

21 Q And since April of 1989, what person or persons in
22 the company have had the authority to bind Raystay to
23 contracts?

24 A It's my understanding that any officer can do so.

25 Q Is it your understanding that George Gardner must

1 make the final decision authorizing signing of a contract to
2 bind Raystay?

3 MR. SCHAUBLE: Your Honor, are we talking about a
4 specific type of contract or are you talking in general?

5 MR. EMMONS: In general.

6 MR. GARDNER: Do you mean today or --

7 MR. EMMONS: Today.

8 MR. GARDNER: I know that other persons can -- other
9 officers of Raystay can sign contracts.

10 BY MR. EMMONS:

11 Q Can they do so, to your understanding, without
12 George Gardner's authority?

13 A No.

14 Q I'm sorry. The answer is --

15 A No.

16 Q Now, you mentioned that your duties include securing
17 FCC licenses and operating permits. Would you describe what
18 specific duties you have in that regard?

19 A I keep all of the licenses and operating permits in
20 a file and I have my own particular file that lets me know
21 when a license or permit is expiring and I also rely on the
22 office of Cohen and Berfield to let me know when a license or
23 permit is expiring and prior to their expiration, we create
24 the necessary paper work to renew them or if there are new
25 ones needed because of a new type of operation or something,

1 we make the applications for the new file -- for the new
2 licenses or permits.

3 Q So you are designated as Raystay's liaison with FCC
4 counsel?

5 A Yes.

6 Q And Raystay's FCC counsel is the firm of Cohen and
7 Berfield?

8 A In most cases, yes.

9 Q Raystay has used other FCC counsel from time to
10 time?

11 A Yes.

12 Q Is that primarily in cable matters?

13 A Yes.

14 Q Now, who designated you to be Raystay's liaison with
15 FCC counsel?

16 A George Gardner.

17 Q When did he so designate you?

18 A My best recollection is as far back as 1973.

19 Q Now, when you were an officer of Raystay, did you,
20 from time to time, sign FCC applications filed by Raystay?

21 A Yes.

22 Q And for how long a period of time did you do that?

23 A I don't recall. It was a long time.

24 Q Now, do your duties as Raystay's FCC liaison -- or
25 liaison with FCC counsel, do those duties include

1 responsibility for FCC compliance?

2 A It's my understanding that any time I'm aware of a
3 noncompliance issue, that I should bring it to the attention
4 of the appropriate people at Raystay or Waymaker or whatever
5 other company that we were managing to have them rectify it.

6 Q And how long has that been your understanding?

7 A Since 1973.

8 Q And who designated you to have that responsibility?

9 A George Gardner.

10 Q And when did he designate that responsibility?

11 A I don't recall the exact time.

12 Q Was that also back in the early days?

13 A Very far back, yes.

14 Q And what instructions did George Gardner give you at
15 that time in the -- on the matter of FCC compliance?

16 MR. SCHAUBLE: Objection, Your Honor. Relevance.
17 We're dealing here with a very remote time frame, nowhere near
18 the time frame of the events in question here.

19 MR. EMMONS: Well, Your Honor, we're dealing with
20 standing instructions that would apply no matter when they
21 were given and would presumably apply up through the time at
22 issue in this --

23 JUDGE CHACHKIN: The objection's overruled.

24 BY MR. EMMONS:

25 Q Do you have the question in mind, Mr. Gardner?

1 A Could you repeat it, please?

2 Q Sure. What instructions did George Gardner give you
3 on the subject of FCC compliance?

4 A I don't recall specific instructions.

5 Q Do you know of anyone else at Raystay Company or
6 Waymaker Company whom George Gardner has designated as having
7 specific responsibility for FCC compliance matters?

8 A Yes.

9 Q Who?

10 A I believe it would be within the responsibility of
11 each system manager to take responsibility for compliance
12 within his cable system and I believe it would be within the
13 requirements of the job of chief operating officer or the
14 operating officer of Raystay Company to make sure that all
15 Raystay's operations are in compliance with all licenses and
16 permits.

17 Q You say that you believe that that would be the
18 case. My question is are you aware of any specific
19 instructions George Gardner has given to any such individuals
20 or any specific designation he has made of such individuals
21 for FCC compliance?

22 MR. SCHAUBLE: Are we talking currently or --

23 BY MR. EMMONS:

24 Q At any time.

25 A Yeah. As I said, there is certainly the requirement

1 that the local system manager have his system in compliance at
2 all times and since he now reports -- "he" being a system
3 manager -- reports to an operating manager, I would believe
4 that the operating manager also would have that responsibility
5 for each system.

6 Q Now, do your duties in the area of FCC compliance
7 involve review by you of FCC applications for accuracy?

8 A Yes.

9 Q Would you describe what procedures are in place for
10 that?

11 A There's no really written procedure. I review each
12 document as it comes to me for -- from Cohen and Berfield most
13 of the time for accuracy before I send it on for signature.

14 Q Does that pertain to particular kinds of
15 applications or does that pertain to any FCC application?

16 A Any FCC application that I'm given.

17 Q Are you given all FCC application or only some?

18 A I can't say for sure because the ones that I
19 wouldn't have been given, I wouldn't have knowledge of. But I
20 suspect that there are licenses and permits that are applied
21 for without my review.

22 Q Do you know what determines whether you are called
23 upon to review an application?

24 A I'm sorry. I don't understand the question.

25 Q Well, you've indicated that you do review some

1 applications before they are filed, but you have also
2 indicated that you believe that there are other applications
3 that Raystay files that are not given to you for review and my
4 question, therefore, is do you know what criteria determine
5 whether or not you are given an FCC application to review?

6 A No, I don't.

7 Q Now, are you an engineer?

8 A No.

9 Q Have you ever had any engineering training?

10 A No.

11 Q Have you ever performed any engineering duties?

12 A When you say engineer -- going back to your last
13 question, I said no because I've had no formal engineering
14 training. I've performed some engineering duties.

15 Q Can you describe them?

16 A Generally -- I'll use the word ascertain. I've
17 looked at engineering documents and tried to determine if they
18 look reasonable. I've looked at different sites for different
19 types of operations and tried to determine if the site is
20 acceptable for the type of operation that we're considering.
21 I've taken a look at existing facilities to determine if
22 they're in -- the type of facilities that we could use for
23 what we're interested in using for and if they are in good
24 repair and order or need repairs, that sort of thing.

25 Q Does Raystay or Waymaker on behalf of Raystay employ

1 in-house engineers?

2 A Yes.

3 Q Are you responsible for supervising the in-house
4 engineers?

5 A No.

6 Q Who does supervise them?

7 A I know George Gardner is an engineer and I don't
8 know who supervises the other engineers.

9 Q Now, how many years of experience have you had in
10 dealing with FCC matters?

11 A Well, as I've said, I probably have worked with the
12 FCC since 1973 on.

13 Q Am I correct that Raystay owned radio station WEE0-
14 AM in Waynesboro, Pennsylvania for a number of years during
15 the seventies and eighties?

16 A I know it was owned in the seventies. I thought it
17 was sold prior to 1980, but my memory could be lapse on that.

18 Q Were you involved in the operation or management of
19 WEE0 when Raystay owned it?

20 MR. SCHAUBLE: Objection, Your Honor. Relevance. I
21 think we're getting very remote in time frame here. I think
22 we're going beyond the necessary background we need here to --

23 MR. EMMONS: Your Honor, an essential part of the
24 background is the witness' experience in dealing with the FCC
25 because the matter at issue is -- are statements made to the

1 FCC and the witness' experience --

2 JUDGE CHACHKIN: I'll overrule the objection.

3 BY MR. EMMONS:

4 Q Do you have the question, Mr. Gardner?

5 A Yes. I worked closely with WEEO.

6 Q In what capacity?

7 A I had no official capacity, but I took a great
8 interest in trying to make it work successfully.

9 Q Now, am I correct that Raystay also owned AM radio
10 station WTTO in Toledo, Ohio from 1973 to 1976?

11 A Those sound like the correct dates and it had a
12 series of call letters, one of which I believe was WTTO.

13 Q And were you involved in the management or operation
14 of that station?

15 A I was.

16 Q And are you familiar with the -- a company named
17 West Shore Broadcasting Company?

18 A Yes.

19 Q Would you tell us what that was?

20 A West Shore --

21 MR. SCHAUBLE: Objection, Your Honor. Relevance.

22 JUDGE CHACHKIN: Is it for the same purpose, to show
23 his experience with FCC --

24 MR. EMMONS: Same response, Your Honor.

25 JUDGE CHACHKIN: Overruled.

1 MR. GARDNER: West Shore Broadcasting owned an FM
2 radio station in Mechanicsburg, Pennsylvania.

3 BY MR. EMMONS:

4 Q And was that approximately 1978 to 1982?

5 A Yes.

6 Q Now, were you a part-owner of that company?

7 A Yes.

8 Q Were you also an officer and director of that
9 company?

10 A I believe so.

11 Q And were you involved in the operation or management
12 of that station?

13 A Yes.

14 Q Now, with respect to the three stations we've talked
15 about, WEEO in Waynesboro, WTTO in Toledo, and the
16 Mechanicsburg station, WQVE, did part of your involvement
17 include relating to the FCC with applications or responses to
18 inquiries or to compliance matters or submission of annual
19 reports or anything, any interrelationship with the FCC?

20 A Yes.

21 Q Now, am I correct that you, as an individual, filed
22 an application for a construction permit for an FM station in
23 Tavernier, Florida in October of 1990?

24 A Tavernier.

25 Q Tavernier. I'm sorry.

1 A Yes.

2 Q That's T-A-V-E-R-N-I-E-R?

3 A Correct.

4 Q And that application was subsequently dismissed?

5 A As far as I'm concerned, it's been terminated and I
6 don't know the exact procedure that it was terminated, but the
7 FCC terminated it at some point.

8 Q Well, that's the point I was trying to establish.
9 And is it also correct that you are an officer and a director
10 and a fifty-percent owner of FM station KPVS in Hilo, Hawaii?

11 A No.

12 MR. SCHAUBLE: Objection, Your Honor. Relevance. I
13 think --

14 JUDGE CHACHKIN: Well, the witness has answered no,
15 that he's not. I'll overrule the objection.

16 BY MR. EMMONS:

17 Q Were you ever part of an application for such a
18 station?

19 A Yes. The ownership percentage is wrong.

20 Q I'm sorry. What is your ownership percentage?

21 A It's less than fifty percent.

22 Q And that was filed in February 1991?

23 A I don't know the exact date, but that's reasonable.

24 Q And you now hold a construction permit for that
25 station?

1 A I'd have to defer to counsel on that. We're in the
2 process of trying to get it renewed. I don't know that it's
3 been renewed.

4 Q When you say renewed, you mean extended?

5 A Extended. Excuse me.

6 Q Now, were you relieved by George Gardner as an
7 officer of Raystay in April of 1989?

8 A Relieved as your word, yes.

9 Q Well, do you accept that form of words?

10 A Yes.

11 Q Why was that done?

12 MR. SCHAUBLE: Objection. Relevance.

13 MR. EMMONS: Your Honor, the -- at issue here are
14 statements that were submitted to the FCC --

15 JUDGE CHACHKIN: I'll overrule the objection.

16 BY MR. EMMONS:

17 Q Do you have the question?

18 A Why was that done?

19 Q Yes.

20 A You'd have to ask George Gardner.

21 Q Did George Gardner give you any reason why he did
22 it?

23 A His lawyers did it. His lawyers notified me I was
24 no longer an officer.

25 Q Did his lawyers tell you why that was the case?

1 MR. SCHAUBLE: Your Honor, for the record, objection
2 on the same basis.

3 MR. GARDNER: Should I answer the question?

4 JUDGE CHACHKIN: Yes.

5 MR. GARDNER: I don't recall if they told me or not.
6 It was very emotional and I don't recall.

7 BY MR. EMMONS:

8 Q You don't recall --

9 A The reason.

10 Q -- the reason you were relieved as an officer?

11 A The reason his lawyers gave me, no, if they did.
12 They might've just said, "You've been terminated."

13 Q What about George Gardner himself? Have you ever
14 discussed with George Gardner himself the reason why you were
15 terminated as an officer?

16 A Yes.

17 Q What reason has he given you?

18 A I recall the conversation, but I don't recall the
19 reasons.

20 Q Well, what can you tell us about the conversations?

21 MR. SCHAUBLE: Your Honor, again, I have to pick up
22 -- object on the basis of relevance. Where are we --

23 JUDGE CHACHKIN: How is this relevant?

24 MR. SCHAUBLE: Where are we going?

25 MR. EMMONS: Your Honor, at issue are statements

1 submitted to the FCC over the signature of George Gardner, but
2 largely prepared and approved by David Gardner, and the
3 question of communication between them or lack thereof is
4 directly relevant to the question of whether the statements
5 were submitted in good faith or not to the Commission.

6 JUDGE CHACHKIN: But what does it have to do with
7 the reason he was terminated as an officer?

8 MR. EMMONS: Well, I think that, Your Honor, goes to
9 the question of the relationship between them and their
10 communications or lack thereof.

11 MR. SCHAUBLE: Your Honor, I think what's relevant
12 here is the communications and the procedures with respect to
13 the applications that were filed and I think we're now far
14 afield. We're now into the question of, you know, why were
15 certain actions taken back in 1989 and, you know, even if --

16 JUDGE CHACHKIN: I'm going to -- go ahead.

17 MR. SCHAUBLE: Even assuming there's some -- you
18 know, assuming arguendo, there's some connection as to how,
19 you know, as to how they communicated, that question doesn't
20 really -- isn't really relevant or responsive to that area.

21 JUDGE CHACHKIN: I'm going to sustain the objection
22 to that question. I don't see how it's relevant.

23 MR. EMMONS: Mr. Gardner --

24 JUDGE CHACHKIN: Unless it dealt somehow with the
25 FCC If it just was something, a personal problem between

1 | them, whatever it was, family matter, I don't see how that's
2 | relevant. If it had anything to do with his performance, what
3 | he was doing in connection with the FCC, that's a different
4 | question. But that hasn't been developed.

5 | MR. EMMONS: Let me ask something, Your Honor.

6 | BY MR. EMMONS:

7 | Q Mr. Gardner, in your discussions with George Gardner
8 | about your termination as an officer of Raystay Company, was
9 | -- were you given as a reason for your termination anything
10 | that related to the performance of your duties insofar as they
11 | related to FCC matters?

12 | A No, sir.

13 | Q Now, did the scope of your authority within the
14 | company change at the time you were terminated as an officer?

15 | A Yes.

16 | Q In what respects did it change?

17 | MR. SCHAUBLE: Objection. Relevance, Your Honor.

18 | JUDGE CHACHKIN: Overruled.

19 | MR. GARDNER: I no longer had the authority to bind
20 | the company to contracts.

21 | BY MR. EMMONS:

22 | Q Is there any other way in which your authorities
23 | changed?

24 | A From time to time, job duties have changed among
25 | individuals in management at Raystay. So job duties have

1 changed, but I don't know that they changed specifically in
2 April of 1989 for me.

3 Q Would it be accurate to say that before you were
4 terminated as an officer in April of 1989, you were a primary
5 decision-maker in the company?

6 A With regard to any decision of significance, George
7 Gardner would be the decision-maker prior to 1989 as well as
8 after. However, I did have the authority to bind Raystay and
9 Waymaker and contracts that I did not have after April '89.

10 JUDGE CHACHKIN: Ill of virtue of the fact that you
11 were no longer an officer?

12 MR. GARDNER: Correct.

13 BY MR. EMMONS:

14 Q Now, who succeeded you as vice-president of Raystay
15 Company?

16 A I don't recall. It could've been either Hal Etsell
17 or Lee Sandifer, but I don't recall specifically who did at
18 that time.

19 Q Now, before you were terminated as an officer in
20 April of 1989, to whom did you report in a corporate reporting
21 sense?

22 A George Gardner.

23 Q And after you were terminated as an officer in April
24 of 1989, to whom did you report?

25 A I still reported to George Gardner, I believe, until

1 Lee -- well, let's see. There probably was a period of time
2 that I reported to Hal Etsell and then when Lee Sandifer was
3 hired, then I reported to him.

4 Q And you continue to this day to report to Mr.
5 Sandifer?

6 A Yes.

7 Q Do you remember when it was that Mr. Sandifer was
8 hired?

9 A No, I don't.

10 Q Now, is George Gardner actively involved in the
11 management of Raystay?

12 A Yes.

13 Q Does he work full-time?

14 A Yes.

15 Q Does he maintain an office at the Raystay offices in
16 Carlisle?

17 A Yes.

18 Q Does he set the policies of the company?

19 A Yes.

20 Q Does he make the final decisions for the company?

21 A In all matters or significant matters?

22 Q Let's say significant matters.

23 A Yes.

24 Q Would you say that he supervises all aspects of the
25 company's operations?